

Caleb Kruckenberg

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Counsel for Plaintiff

Admitted *pro hac vice*

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

W. CLARK APOSHIAN,

Plaintiff,

v.

MERRICK GARLAND
ATTORNEY GENERAL
OF THE UNITED STATES, et al.

Defendants.

CIVIL ACTION NO.: 2:19-cv-00037-JNP

JOINT STATUS REPORT

Plaintiff W. Clark Aposhian filed his Complaint (ECF No. 2) on January 16, 2019, and filed a Motion for Preliminary Injunction (ECF No. 10) the following day. On March 15, 2019 the Court denied Plaintiff's motion for a preliminary injunction. ECF No. 31. Plaintiff filed an interlocutory appeal. *See* ECF No. 32. After considering this matter *en banc*, the Tenth Circuit affirmed this Court's order; the mandate issued on March 8, 2021. *See* ECF No. 46.

On March 9, 2021 Defendants filed an unopposed motion to stay the deadline for their responsive pleading in light of Plaintiff's plan to file a petition for a writ of certiorari. This Court granted the motion on March 10, 2021, and ordered that the parties submit a joint status report no later than June 8, 2021, indicating the status of any petition for a writ of certiorari (ECF No. 48).

On March 19, 2020, in light of the COVID-19 pandemic the U.S. Supreme Court extended the time to seek certiorari until 150 days after the date of the lower court judgment. *See* U.S. Supreme Court, Order List, 589 U.S. --- (Mar. 19, 2020) *available at* https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf. The deadline for Plaintiff's petition is therefore August 2, 2021. Plaintiff intends to file a petition for a writ of certiorari in this matter on or before August 2, 2021. The Parties respectfully propose that the deadline for Defendants to answer, move, or otherwise respond to Plaintiff's Complaint be set for 30 days after resolution of any resulting proceedings in the Supreme Court.

June 8, 2021

Respectfully,

/s/ Caleb Kruckenberg
CALEB KRUCKENBERG
Litigation Counsel
New Civil Liberties Alliance
Counsel for Plaintiff

/s/ Michael F. Knapp
MICHAEL F. KNAPP

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel of record.

Respectfully,

/s/ Caleb Kruckenberg

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